



Missouri  
Department of  
Natural Resources

**Response to Comment(s)  
On Rule in Development**

**Rule number:** 10 CSR 10-6.045

**Rule Title:** Open Burning Requirements

**Type of rulemaking:** New Rule

**Response to Comment from Ed Nicholson**

**Comment:** I am concerned that commercial land clearing operations outside of cities will not have to be permitted. Some of these operations are very large and take many days. Some operations are not controlled and are not watched overnight and burn all night. A permit should be obtained from your office to help local jurisdictions keep the burns under control. Section 4.(A.)

**Response:** The new rule does not require land clearing operations to obtain permits unless the open burning occurs within an incorporated area or municipality or where the proposed open burning will occur within two hundred (200) yards of an occupied structure or when the open burning is located anywhere in the St. Louis metropolitan area. This is consistent with the current open burning regulations that the new rule replaces. The new rule does prohibit open burning which causes or constitutes a public health hazard, nuisance, a hazard to vehicular or air traffic, or violates any other rule or statute.

**Response to Comment from Mayor Lawrence E. Allen Jr.**

**Comment:** The passage of this rule would greatly benefit our community and many others that are similar to ours. Browning is a small community with little resources and big goals of cleaning up properties and unsafe structures. This would allow us to burn untreated unpainted wood just like unwanted vegetation and tree limbs and so on. This would be a financial relief for us when we are involved with a project that involves an unsafe structure that contains untreated unpainted wood. Instead of hiring a contractor to remove, haul, and dispose of wood would could do it ourselves and save the taxpayers dollars. We all need to work together and see the benefits for everyone including the little towns.

**Response:** The new rule defines untreated wood and then describes that a permit is required before open burning that material. The permit specifies the conditions and provisions of all open burning and will allow additional flexibility to those entities having such material.

### **Response to Comment from Angie Nunez**

**Comment:** Pollution from all avenues effects us all and the environment on earth. Whether it comes from prospects as big as factories spewing chemicals, burning tires and/or waste, vehicles belching fumes; or prospects as minimal as outside, recreational wood burning (excluding BBQ), the results can be the same when done excessively (i.e., several nights per week for several hours at a time). As a homeowner, we have experienced the extreme under the category of recreational wood burning. The recreational burning occurs in less than appropriate sized containers, approximately twenty-five feet (25ft.) or less between yards, and during any weather condition; including extreme high winds and heat. The constant burning smell seeps through to the other residences within close proximity. In addition, the constant presence of the smoke could exacerbate health issues such as asthma or emphysema; among others. Also, the constant threat of smoldering sparks and flames have the potential to cause property damage including fire or smoke damage.

Air pollution is a very serious on-going issue, not just something to discuss for political gain, with the effects widely noted and publicized. We should all take personal responsibility to help protect the environment. Thank you for your time and attention to this matter.

**Response:** The new rule does prohibit open burning which causes or constitutes a public health hazard, nuisance, a hazard to vehicular or air traffic, or violates any other rule or statute. This has not changed from the existing rules. Recreational open burning as described above can be brought to the attention of the local fire department or fire district.

### **Response to Comment from the Missouri Farm Bureau**

**Comment:** Our organization was represented on the open burning workgroup established by the Department of Natural Resources in 2005. We appreciated the opportunity to share our views with other participants and the department's staff members and took seriously the mission of examining state open burning regulations.

The use of fire in managing crop, pasture and forest land is vital to farmers and ranchers. Producers strive to be good stewards of our natural resources and understand burning must be conducted in a responsible manner. The Missouri Farm Bureau strongly supports the existing exemption for burning conducted in out-state Missouri for agricultural purposes as well as natural resource and land management. We are pleased the exemption is included in the proposed rule.

Through our participation in the workgroup, we learned some individuals and entities are interested in imposing more stringent burning requirements on production agriculture. We oppose any such effort and urge the department to uphold the original purpose of this review and rulemaking process, which was to "clarify and make more consistent" open burning requirements across the state and to do so without creating a new rule stricter than existing regulations.

As you work to finalize the proposed rule, we urge the department to maintain the open burning exemption for agricultural operations as proposed and make certain the interpretation of the exemption remains the same. Thank you for the opportunity to participate in the workgroup and rulemaking process.

**Response:** The new rule does allow open burning for fires set in connection with agricultural or forestry operations related to the growing or harvesting of crops and prescribed fires set for natural resource management purposes. This has not changed from the existing rules.